

REMARKS

The examiner has objected to the drawings on the ground that Figures 9-12 are not labeled "PRIOR ART". This objection has been overcome by the attached Replacement Sheets 1-10 of the drawings wherein the appropriate label has been included and the heading has been updated.

The examiner has rejected claims 1-9 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. It is believed that this rejection is overcome by the amendment to claim 1 to correct the language as pointed out by the examiner. It is believed that this amendment addresses the issues raised by the examiner, and does not constitute new matter, since the language is fully supported by the specification. Claims 2-9 are dependent, directly or indirectly, on claim 1 and, thus, the revisions to claim 1 carry over to these claims.

A Terminal Disclaimer is being filed herewith which, as the examiner has suggested, will overcome the rejection on the grounds of double patenting.

Since the examiner has rejected claims 1-9 on the grounds of double patenting, which means as the examiner states "the claims...are not patentably distinct from [the claims in the 6734505 patent]", the rejection under 35 U.S.C. 102 (a) is not appropriate for the following reasons: The same examiner held claims 1-13 in the parent case allowable and, thus, patentable, and by the same examiner's statement, the claims herein are not patentably distinct. Thus, since the claims in this case are not patentably distinct from those in the parent case, they are, therefore, allowable for the same reasons the claims in the parent case are allowable.

In view of the above, it is believed that each of the claims is distinguishable, one from the other, and over the prior art.

Therefore, reconsideration and allowance of claims 1-9 is respectfully requested.

Respectfully submitted,

Date: JUNE 10, 2005

William N. Hogg
William N. Hogg (Reg. No. 20,156)
Driggs, Lucas, Brubaker & Hogg Co., L.P.A.
CUSTOMER NO. 26681

WNH:cg

Attachments